

REMARKS

As originally filed the application contained claims 1-41. Claims 1, 8, 33 and 37 are independent device claims, claim 19 is an independent system claim, and claims 26 and 29 are independent method claims. By Preliminary Amendment, claims 42 and 43 were added to the application with claim 43 being an independent device claim. No claims are cancelled by this paper. Hence, claims 1-43 remain in the application for further consideration.

As a preliminary matter, the Abstract is objected to as being unduly long. Accordingly, a substitute Abstract is submitted herewith for approval. The substitute Abstract is considerably shorter than the Abstract originally filed.

Also as a preliminary matter, claim 8 is rejected under 35 U.S.C. 112, second paragraph for being indefinite as to whether the recited second anchor means is for anchoring or for deploying. Claim 8 has been amended to overcome this rejection. Favorable reconsideration is respectfully requested.

With respect to the cited art, claims 1, 2, 7, 8, 14, 19-32 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Langberg et al., WO 01/54618 A1. Claims 1-6, 8-13, 15, 17, 33-37, 39 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Solem et al., U.S. Patent No. 6,210,432. Lastly, claims 1, 15-18, and 37-41 stand rejected under 35 U.S.C. 102(e) as being anticipated by Pai et al.

Each of the above rejections is respectfully traversed. Favorable reconsideration, in view of the remarks to follow, is respectfully requested.

The invention is directed to a device that effects the geometry of a mitral valve of a heart. As disclosed and claimed, the device includes a first or distal anchor, a second or proximal anchor, and a fixed length connecting member permanently attached to the anchors. The device is deployable in the coronary sinus adjacent the mitral valve annulus, such that when the first anchor is anchored the second anchor may be displaced proximally to advantageously effect mitral valve geometry and then released to maintain the advantageous effect. It is respectfully submitted that none of the cited prior art references discloses, shows, or even suggests such structure and function.

Device claims 1 and 8 define the device as characterized above. Device claim 33 includes a recitation that one of the anchors anchors against movement in a first direction and is moveable in a second direction. Device claim 37 includes a recitation that the first anchor is configured to occupy less than all of the coronary sinus to permit a cardiac lead

to be passed by the first anchor. Device claim 43 defines a mitral valve device that has a greater radius of curvature within the coronary sinus after deployment when providing therapy than prior to deployment. Again, it is respectfully asserted that the prior art fails to describe, show or even suggest such structure and function.

Claim 19 defines a system including the recited device and a catheter and tether for deploying the device. Method claim 26 defines a method performed in use of the device. Claim 29 defines a method of deploying and using the recited device. Again, it is respectfully submitted that these claims are also allowable over the art of record.

Langberg et al. is directed to a completely different form of device. The Langberg et al. device is essentially a steerable catheter. It has an outer sheath and an inner connecting member within the sheath and connected to the sheath distal end. When the connecting member is pulled proximally, the sheath bends like a steerable catheter.

In order for the Langberg et al. device to function, the connecting member cannot have a fixed length. Otherwise, the sheath would not bend to reshape the coronary sinus.

Langberg et al. does not disclose such a device having two anchors as claimed. Page 7, lines 9-11, ("Summary of the Invention"), particularly relied upon, merely says that the device may have a proximal anchor, a distal anchor, or multiple anchors. It does not state, nor does the application anywhere disclose or show, a device having first and second anchors as defined in the instant claims. It certainly does not show, describe or suggest a fixed length connecting member connecting the first and second anchors as claimed.

The "tether (64)" accredited to Langberg et al. in the Office Action is not a tether. Langberg et al. does not call element 64 a "tether". Langberg et al. refers to element 64 as a "proximal extension" of the "forming element 56" (which has been referred to as a connecting member in the Office Action).

With respect to Solem et al., two different embodiments are referred to in the Office Action. The first embodiment (FIG. 10) is an open U-shaped ring formed of a solid wire. It does not include any anchors. The other embodiment is FIGS. 2-7 where a non-fixed length device does include anchors.

The two embodiments are totally different. Combining these embodiments is not considered proper since there is no discussion or suggestion as to the desirability of providing the device of FIG. 10 with anchors or how that would even be attempted. It is therefore respectfully submitted that Solem et al. fails to anticipate the rejected claims.

With specific reference to claim 43, the goal of Solem et al. is to reduce the circumference of the mitral valve annulus and through reducing the circumference of the coronary sinus with the device. This requires the radius of curvature of the Solem et al. devices to be reduced when deployed for providing therapy. In contrast, claim 43 defines a device with function in the opposite. The device there defined has an increased radius of curvature when deployed.

Lastly, Pai et al. schematically represents a device having anchors 33 and a tensioning structure 4. Nowhere in Pai et al. is the structure and function defined in the instant claims shown, described or even suggested. Nowhere does Pai et al. teach that an anchor is deployable to permit another anchor, connected thereto with a fixed length connecting member, to be displaced to create tension and then released to effect geometry of the mitral valve annulus as claimed. It is respectfully submitted that Pai et al. fails to teach the invention defined in the pending claims.

CONCLUSION

The application is considered to be in condition for allowance. Such favorable action is respectfully requested.

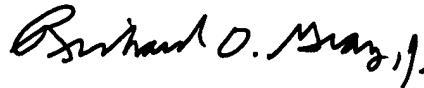
In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Should a telephone conference with the undersigned be considered helpful in resolving any outstanding issues and advancing the application to issue, such a conference with the undersigned is invited and would be gratefully appreciated.

Dated this 24th day of July, 2003.

Respectfully submitted,

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